

Testimony in Favor of HB 186
Senate Business, Labor and Economic Affairs
Pam Bucy, Chief Legal Counsel
Montana Department of Labor and Industry
March 5, 2011

Mr. Chairman, members of the committee, my name is Pam Bucy. I am the chief legal counsel for the Department of Labor and Industry. I rise in support of HB 186

The Labor-Management Advisory Council on Workers' Compensation did extensive study of the cost drivers in workers' compensation. They found that we injure too many people; our number of injuries is 50% over the national average. (Handout chart depicting incidence rate). The National Council of Compensation Insurers estimated over 3 years ago that we could reduce our costs by \$145M if we reduced our incidence rate to the national average.

How do we address our high injury rate; how promote safety? We don't change behaviors through legislation. It requires a change in our safety culture, through education and social marketing. The LMAC looked at programs around the world to see how had a world class safety program. They liked WorkSafeBC from our Canadian neighbor to the north the best. It became the model for WorkSafeMT

The LMAC helped create WorkSafeMT. But it is a cooperative effort of numerous groups who are interested in creating safer workplaces and reducing our workers' compensation premium costs: the LMAC, the MT Chamber of Commerce, the NFIB, labor groups, industry associations, medical groups, ag groups, insurers and trial lawyers. Everybody can agree that improving workplace safety is a good thing.

WorkSafeMT is a non-profit public purpose foundation – dedicated to improving Montana's workplace safety and promoting best practices in Stay-at-work/Return-to-work. The Board of WorkSafeMT is made of 21 members from a diverse cross section of stakeholders, all passionate about promoting workplace safety and SAW/RTW. You won't hear from them as board members today because they cannot lobby.

What are their accomplishments? They have begun a comprehensive statewide social marketing campaign. They have a robust web page with a wealth of safety and SAW/RTW resources. They have sponsored 3 very successful week long training events, called SafetyFestMT in Billings, Missoula and Glasgow. (Handout of comments).

WorkSafeMT had start up funds of \$1M of One-Time-Only funding from the 2009 session. The Board fundraising committee has pledged commitments from private sector corporations in Montana to contribute approximately \$3M over the next three years as the private sector contribution. HB 186 will provide \$500,000 each year from a small increase (.25 of 1%) included in the workers' compensation administration fund. We urge your support for HB 186.

Comments from SafetyFestMT: Helena 2010 (Mar)
& SafetyFestMT: Missoula 2010 (Dec)

"The entire event was very informative and educational; I believe it is a huge step forward in a long process of educating all Montana stakeholders of a wide variety of related safety issues. Keep up the excellent efforts. I greatly appreciate your efforts." Doug Tallent, Mountain Supply Co.

"The training was first class, I have paid for my OSHA certification in the past and it was very expensive. In fact there is no way we could send as many people as we do if we had to pay for it. (There are six of us here). If there was just one thing that I like the most it is the practical/useful information we receive. We can start to apply the lessons next week. Thank you for a First Class SafetyFest!" Curt Jevning, Ravalli County Road & Bridge Dept.

"A wealth of information for both employees and employers." John Thomas, Montana Refining Co.

"Event was well planned, organized, extremely helpful. All presenters were professional in demeanor. I thought the whole thing was terrific. Every one of the instructors - each with a different style - did a great job of covering the material in the various presentations." Larry Garde, Beacon Occupational Health & Safety Services

"I actually had about 16, 17 people we were able to get to the training. And I've had good feedback from my employees. A safe workplace is a productive workplace. Safety is a good business practice. I can't say enough good about it - it's awesome." John Mikkelsen, Roseburg Forestry

"I would like to congratulate your organizing committee on a job well done, the event was one of the best organized that I have attended or participated in." Rick Callor, Safety Training Director, URS Corporation, Boise (who was instrumental in the formation of the Idaho SafetyFests.)

"Overall great convention; free training of this caliber is hard to come by." Karla Maier, Korman Marketing

"The size, scope and organization of this conference exceeded my expectations; I was surprised and very thankful that all of this is provided free of charge, especially the great snacks, meals and class materials. Great job by everyone involved. I learned there is always more we can do to improve safety and how to do it." Chris Hilzendeger, The Window Washers Company

"Excellent! Overall, this is an excellent idea whose time has come!" Floyd McCubbins, Helena Participant

"SafetyFestMT was a very educational and informative conference. Very well represented and very educational, professional instructors." Kim Callantine, U.S. Forest Service.

"This conference was the most informative, organized & well-run I've been to. Exceptional speakers & classes." Missoula Participant

"Very competent and prepared speakers...Time well spent...Super job." Helena Participant

SafetyFestMT Attendees – Private Cos

Abatement Contractors of Montana

ABC Training Services, Inc

Acadia Healthcare

Advanced Earthworks, Inc.

Agri Systems

Allegiance

Alpine Country Construction, Inc.

Altria

American Chemet Corp.

Ammons Scientific, Ltd.

AOK Fire Service

API Systems Integrators

A-Plus Health Care

At Home Assisted Living

Avitus Group

Barnard Construction Company

Beacon OHSS

Beitler Construction

Best Fire Equip. & Supply

Best Oil Distributing

Big Sky Elevator Service

Bjornson Law Office

Blackfoot Telecommunications Group

BLACKHAWK! Products Group

Blue Cross and Blue Shield

Blue Mountain Video

BMC

BNBuilders, Inc.

Bozeman Environmental LLC

Brentwood Services Administrators

BsafeUS LLC

Bud's Extinguisher Service

Butte School District No.1

C & C Excavation

Caring With Kindness

Carroll College

Cascade Disability Management

Catalyst Physical Therapy, PC

CCCS, Inc.

CDM

Century Companies, Inc

Chapman Concrete Construction

CHS Inc

Clark's Orthopedic & Medical

College of Technology

Colstrip Electric, Inc.

Conoco Phillips

Consumer Direct Management Solutions

Creative Promotions, LLC

Crescent Property Management

CSKT Maintenance

D. Lower Construction, Inc.

Dayspring Restoration

Deer Lodge Asphalt

Denton School

Design Turf Technologies, Inc.

Detton Construction, Inc.

Development Engineering

Diamond Construction

Dick Anderson Construction

Dick Irvin, Inc.

Diversified Plastics, Inc.

Don Grimm Construction

DS Trucking and Excavating

Earth & Wood Craftsmen, Inc.

Easter Seals - Goodwill

Electrical Consultants, Inc.

Energy Laboratories, Helena

Energy Partners, LLC

Envirocon

Environmental Contractors

EPC Services Company

Excel Elevator

Excelsior Homebuilders, Inc.

Family Outreach

FCCOA

Federal Fire Protection, Inc.

Felco LLC/Montana Hydraulics

Fickler Oil Co., Inc.

FIRECO

Fister Electric, Inc

Flathead Electric Cooperative

Flathead Industries

Fun Beverage, Inc.

Gallatin County Road Dept

Gallatin Rest Home

Gaston Engineering & Surveying, P.C.

Gateway Printing

GCMC

GENEX Services, Inc

Glacier Park Boat Company

Good Food Store

Gordon Construction

Graymont

Great Falls Sand & Gravel

Greater Missoula Family YMCA

Grizzly Electric, LLC.

H & H Contracting, Inc.

Harlem School Dist. #12

Harlow's School Bus Service

Hawthorn Suites by Wyndham

Helena Area Habitat for Humanity

Helena Public Schools

Helena Sand & Gravel

Hill County Electric Coop., Inc.

Holcim (US), Inc.

Hyalite Rehab

I.B.E.W

IHESS, Inc.

iMed Cost Containment Solution

Independent Roofing LLC

Independent Record

Independent Truck

Initial Impression

IronWood Mfg

J & V Restaurant Supply

Jones Brothers Trucking

Jore Corporation

KMG

Knife River

Korman Marketing Group

Kuglin Construction

Kurt's Polaris Inc.

L.S. Jensen

Lafarge North America

Lewis & Clark Interpretive Center

Liberty Electric Inc

Liberty Northwest Insurance

LS Jensen Construction & Ready Mix

Marne and Associates, Inc.

Martel Construction

MBIA

MC Environmental

MCCF

Meadows Montessori School

Mergenthaler Transfer and Storage

Metso

Military Safety Specialist

Missoula Chamber of Commerce

Missoula Housing Authority

MMIA

Mockel Precast & Excavating Co.

Montana Arts Council

Montana Chamber of Commerce

Montana Chemnet Consortium Inc

Montana Companies of Oldcastle

Montana Dakota Utilities

Montana Electrical JATC

Montana Heritage Commission

Montana Lines, Inc.

Montana Logging Association

Montana Nurses Association

Montana Rail Link

Montana Refining

Montana Resources

Montana Rockworks Inc.

Montana Self Insurers' Association

Moonlight Basin Ranch L.P.

Morrison-Maierle

Motel 6

Mountain Commercial Specialists

Mountain Fire Protection, Inc.

Mountain Supply Co.

Mountain Water Company

Mountain West Products LLC

MSE

MT Chamber/Safety Choices

MT PHL

MT. Hydraulics

NAES Power Contractors

Nature's Best, Inc.

Nelson Personnel

Neptune Aviation Services, Inc.

Nico Electronics

Northern Industrial Hygiene

Northern Montana Hospital

Northern Rockies Coordination Center

Northern Sales

NorthWestern Energy

O'Keefe Drilling

Outside By Design

Pavlik Electric

Payne Financial Group

Performance Contracting Services, Inc.

Pintler Consulting Services

Pioneer Technical

Plum Creek Timber Co.

Powerup

PPL Montana

PTRCB

R & R Taylor Construction Inc.

R. E. Miller and Son

REC SILICON

REOH

Red Hot Fire Extinguisher Sales and Service

Red Lion Hotels Corporation

Residential Support Services

Respond Systems

Rhodia, Inc

Rio Tinto Minerals

Rocky Mtn. Research Station

Roseburg Forest Products

SBC, Inc.

Schine Electric

Self-Employed / RBM Lumber Inc.

Selway Corporation

Sidney Sugars Incorporated

Simplex Grinnell

Snow Mountain Electric

Southgate Mall

Specialized Medical/Rocky Mountain

Mobility

Specialty Minerals Inc.

Spectrum Products

St. Luke Community Hospital

St. Peter's Hospital

Stevensville Public Schools

Structural Systems, Inc

Summit, LLC

Sun Mountain Lumber

Sun Mountain Sports

Swank Enterprises

Tamietti Construction Company

The Bookstore at the University of Montana

The Cincinnati Insurance Companies

The Window Washers Company

Timberline Safety & Environmental

Timeless Seeds Inc

Town Pump Inc

Trapper Creek Job Corps

Travelers

Triple AAA Safety/Training

UC Building Services

UMWestern

University of Montana Tech

Wadsworth Builders Company Inc.

Walmart

WBI Holdings Inc.

Western Energy Company

Western States Insurance

WTR Consulting Engineers

Xanterra Parks and Resorts

Incidence Rate by State	2009	2008	2007	2006	2005	2004	2003
Alabama	3.6	4.1	4.5	4.7	4.6	5.1	4.6
Alaska	4.6	5.1	5.2	6.1	5.9	5.3	6.9
Arizona	3.7	3.9	4.6	4.6	4.9	4.7	4.8
Arkansas	3.7	4.6	3.9	4.4	5.0	4.7	5.1
California	4.2	4.4	4.7	4.8	5.1	5.4	5.9
Colorado	NA	NA	NA	NA	NA	NA	NA
Connecticut	4.6	5	5.3	5.2	5.5	5.2	5.5
Delaware	3.3	3.4	3.4	3.8	3.7	3.7	4.3
Florida	4.1	4.6	3.9	4.4	4.5	4.9	5.0
Georgia	3.5	3.7	3.5	4.0	4.3	3.9	4.3
Hawaii	4.2	4.3	4.7	4.7	4.8	5.0	5.4
Idaho	NA	NA	NA	NA	NA	NA	NA
Illinois	3.6	3.8	4.1	4.3	4.4	4.7	4.7
Indiana	4.3	4.9	5.2	5.5	5.8	6.2	6.2
Iowa	4.7	5.0	6.0	5.9	6.4	6.4	6.6
Kansas	4.2	4.9	5.1	5.1	5.3	5.5	5.5
Kentucky	4.3	4.8	5.3	5.3	6.1	6.0	6.4
Louisiana	3.1	2.9	2.9	3.0	3.1	3.4	3.6
Maine	5.6	5.9	6.4	6.8	7.1	6.6	7.4
Maryland	3.7	3.7	4.1	3.8	4.5	4.5	4.5
Massachusetts	NA	3.7	4.0	3.9	4.2	4.3	NA
Michigan	4.2	4.5	4.9	5.1	5.6	5.6	6.3
Minnesota	3.8	4.2	4.6	5.1	5.1	5.3	5.5
Mississippi	NA	NA	NA	NA	NA	NA	NA
Missouri	3.8	3.8	4.6	4.7	5.4	5.3	5.0
Montana	5.3	6.4	6.3	6.9	6.6	7.2	7.6
Nebraska	4.2	4.5	NA	5.0	5.0	5.3	5.9
Nevada	4.4	4.6	5.0	5.4	5.7	5.7	5.8
New Hampshire	NA	NA	NA	NA	NA	NA	NA
New Jersey	3.8	3.7	4.0	4.1	4.4	4.4	4.8
New Mexico	4.8	4.4	5.0	5.1	5.2	5.6	6.2
New York	3.5	3.5	3.7	3.8	4.0	3.6	3.8
North Carolina	3.4	3.6	3.8	4.1	4.1	4.2	4.2
North Dakota	NA	NA	NA	NA	NA	NA	NA
Ohio	NA	NA	NA	NA	NA	NA	NA
Oklahoma	4.0	4.6	4.6	4.8	4.6	5.6	5.0
Oregon	4.5	4.7	5.2	5.2	5.4	5.8	5.6
Pennsylvania	NA	NA	NA	NA	NA	NA	NA
Rhode Island	NA	5.1	5.1	5.2	5.5	5.2	5.4
South Carolina	3.5	3.4	3.8	3.9	3.9	4.3	4.7
South Dakota	NA	NA	NA	NA	NA	NA	NA
Tennessee	3.9	4.2	4.5	4.8	4.8	5.2	5.3
Texas	3.1	3.5	3.4	3.7	3.6	3.7	4.0
Utah	3.9	4.9	5.0	5.1	5.6	5.7	5.5
Vermont	5.1	5.4	6.0	5.7	6.1	5.6	5.3
Virginia	3.1	3.3	3.5	3.7	4.4	4.0	4.3
Washington	5.3	5.7	6.1	6.5	6.4	7.0	6.9
West Virginia	4.5	4.6	5.2	5.1	5.5	6.1	6.1
Wisconsin	4.3	4.9	5.3	5.6	5.8	6.3	6.4
Wyoming	4.1	4.8	4.6	4.8	5.8	5.2	5.8
National	3.6	3.9	4.2	4.4	4.6	4.8	5.0
MT rank	tie 2nd	1st	2nd	1st	2nd	1st	1st

SOURCE: Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, in cooperation with participating State agencies.							
The incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: $(N/EH) \times 200,000$, where							
N = number of injuries and illnesses							
EH = total hours worked by all employees during the calendar year							
200,000 = base for 100 equivalent full-time workers							
(working 40 hours per week, 50 weeks per year)							